

Kerala Gazette No. 33 dated 14th August 2007.

PART I

Section i



GOVERNMENT OF KERALA

Law (Legislation-Publication) Department

NOTIFICATION

No. 14250/Leg. Pbn. 3/2007/Law.

Dated, Thiruvananthapuram, 23rd June 2007.

The following Act of Parliament, published in the Gazette of India, Extraordinary, Part II, Section I, dated the 4th January, 2007 is hereby republished for general information. The Bill as passed by the Houses of Parliament received the assent of the President on the 3rd January, 2007.

By order of the Governor,

P. S. GOPINATHAN,
Law Secretary.

THE CENTRAL EDUCATIONAL INSTITUTIONS
(RESERVATION IN ADMISSION) ACT, 2006

(ACT NO. 5 OF 2007)

AN

ACT

to provide for the reservation in admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of citizens, to certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Central Educational Institutions (Reservation in Admission) Act, 2006.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “academic session” means the period in a calendar year, or a part thereof, during which a Central Educational Institution is open for teaching or instruction in any branch of study or faculty;

(b) “annual permitted strength” means the number of seats, in a course or programme for teaching or instruction in each branch of study or faculty authorised by an appropriate authority for admission of students to a Central Educational Institution;

(c) “appropriate authority” means the University Grants Commission, the Bar Council of India, the Medical Council of India, the All India Council for Technical Education or any other authority or body established by or under a Central Act for the determination, co-ordination or maintenance of the standards of higher education in any Central Educational Institution;

(d) “Central Educational Institution” means—

(i) a University established or incorporated by or under a Central Act;

(ii) an institution of national importance set up by an Act of Parliament;

(iii) an institution, declared as a deemed University under section 3 of the University Grants Commission Act, 1956 (3 of 1956), and maintained by receiving aid from the Central Government;

(iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in clause (i) or clause (ii), or a constituent unit of an institution referred to in clause (iii);

(v) an educational institution set up by the Central Government under the Societies Registration Act, 1860 (21 of 1860);

(e) “faculty” means the faculty of a Central Educational Institution;

(f) “Minority Education Institution” means an institution established and administered by the minorities under clause (1) of article 30 of the constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004 (2 of 2005);

(g) “Other Backward Classes” means the class or classes of citizens who are socially and educationally backward, and are so determined by the Central Government;

(h) “Scheduled Castes” means the Scheduled Castes notified under article 341 of the Constitution;

(i) “Scheduled Tribes” means the Scheduled Tribes notified under article 342 of the Constitution;

(j) “teaching or instruction in any branch of study” means teaching or instruction in a branch of study leading to three principal levels of qualifications at bachelor (undergraduate) masters (postgraduate) and doctoral levels.

3. *Reservation of seats in Central Educational Institutions.*—The reservation of seats in admission and its extent in a Central Educational Institution shall be provided in the following manner, namely:—

(i) out of the annual permitted strength in each branch of study or faculty, fifteen per cent. seats shall be reserved for the Scheduled Castes;

(ii) out of the annual permitted strength in each branch of study or faculty, seven and one-half per cent. seats shall be reserved for the Scheduled Tribes;

(iii) out of the annual permitted strength in each branch of study or faculty, twenty-seven per cent. seats shall be reserved for the Other Backward Classes.

4. *Act not to apply in certain cases.*—The provisions of section 3 of this Act shall not apply to—

(a) a Central Educational Institution established in the tribal areas referred to in the Sixth Schedule to the Constitution;

(b) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act:

Provided that the Central Government may, as and when considered necessary, by notification in the Official Gazette, amend the Schedule;

(c) a Minority Educational Institution as defined in this Act;

(d) a course or programme at high levels of specialisation, including at the post-doctoral level, within any branch of study or faculty, which the Central Government may, in consultation with the appropriate authority, specify.

5. *Mandatory increase of seats.*—(1) Notwithstanding anything contained in clause (iii) of section 3 and in any other law for the time being in force, every Central Educational Institution shall, with the prior approval of the appropriate authority, increase the number of seats in a branch of study or faculty over and above its annual permitted strength so that the number of seats, excluding those reserved for the persons belonging to the Scheduled Castes, the Scheduled

Tribes and the Other Backward Classes, is not less than the number of such seats available for the academic session immediately preceding the date of the coming into force of this Act.

(2) Where, on a representation by any Central Educational Institution, the Central Government, in consultation with the appropriate authority, is satisfied that for reasons of financial, physical or academic limitations or in order to maintain the standards of education, the annual permitted strength in any branch of study or faculty of such institution cannot be increased for the academic session following the commencement of this Act, it may permit by notification in the Official Gazette, such institution to increase the annual permitted strength over a maximum period of three years beginning with the academic session following the commencement of this Act; and then, the extent of reservation for the Other Backward Classes as provided in clause (iii) of section 3 shall be limited for that academic session in such manner that the number of seats available to the Other Backward Classes for each academic session are commensurate with the increase in the permitted strength for each year.

6. *Reservation of seats in admissions to begin in calendar year, 2007.*—The Central Educational Institutions shall take all necessary steps, which are required in giving effect to the provisions of sections 3, 4 and 5 of this Act, for the purposes of reservation of seats in admissions to its academic sessions commencing on and from the calendar year, 2007.

7. *Laying of notifications before Parliament.*—Every notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

THE SCHEDULE
[See section 4 (b)]

Sl. No. *Names of the Institutions of Excellence, etc.*

1. Homi Bhabha National Institute, Mumbai and its constituent units, namely:—
 - (i) Bhabha Atomic Research Centre, Trombay;
 - (ii) Indira Gandhi Centre for Atomic Research, Kalpakkam;
 - (iii) Raja Ramanna Centre for Advanced Technology, Indore;
 - (iv) Institute for Plasma Research, Gandhinagar;
 - (v) Variable Energy Cyclotron Centre, Kolkata;
 - (vi) Saha Institute of Nuclear Physics, Kolkata;
 - (vii) Institute of Physics, Bhubaneshwar;
 - (viii) Institute of Mathematical Sciences, Chennai;
 - (ix) Harish-Chandra Research Institute, Allahabad;
 - (x) Tata Memorial Centre, Mumbai.
2. Tata Institute of Fundamental Research, Mumbai
3. North-Eastern Indira Gandhi Regional Institute of Health and Medical Science, Shillong.
4. National Brain Research Centre, Manesar, Gurgaon.
5. Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore
6. Physical Research Laboratory, Ahmedabad.
7. Space Physics Laboratory, Thiruvananthapuram
8. Indian Institute of Remote Sensing, Dehradun.
